

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>CHARLES LEE TEXTER,</b>	:	<b>CIVIL ACTION NO. 1:04-CV-0173</b>
	:	
<b>Plaintiff</b>	:	<b>(CONSOLIDATED)</b>
<b>v.</b>	:	
	:	<b>(Judge Conner)</b>
<b>TODD MERLINA, et al.,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 29th day of February, 2008, upon consideration of the trial exhibits submitted by plaintiff,<sup>1</sup> and it appearing that plaintiff has identified as exhibits: (1) his United States Marine Corps Oath of Enlistment (Ex. 5),<sup>2</sup> (2) a partial docket sheet from the Court of Common Pleas of Franklin County (Ex. L), (3) a bench warrant (Ex. M), (4) an order from the Supreme Court of Pennsylvania denying plaintiff's petition for leave to file petition for allowance *nunc pro tunc* (Ex. O), (5) the complaint and exhibits plaintiff filed in Civil Action No. 1:04-CV-1011, (6) a bench warrant (Ex. Q), and (7) a document titled "Formal Complaint of My Civil Rights under the Americans with Disabilities Act of 1990" (Ex. R), and the

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<sup>1</sup> The order of court dated February 11, 2008 (Doc. 146) directed plaintiff to submit his trial exhibits by February 28, 2008.

<sup>2</sup> Plaintiff highlighted the following passage in the oath: "I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic." (Ex. 5.)

court finding that these exhibits are irrelevant to the remaining claims,<sup>3</sup> see FED. R. EVID. 401-402, it is hereby ORDERED that plaintiff is precluded from offering these exhibits at trial.<sup>4</sup>

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge

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<sup>3</sup> The only claims remaining in the instant action are excessive force claims against defendants Merlina, Buck, Botchie, and Patrizi and a failure to intervene claim against defendant Tuck.

<sup>4</sup> This ruling should not be construed as any indication of the court's view on the admissibility of the other trial exhibits submitted by plaintiff.